IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33513 of 2007(M)

PETITIONER:

1. ELDOSE, S/O. MATHEW,
THADIKKARAN HOUSE, MUDAKKUZHA KARA, CHOORAMUDI,
M.L.A.ROAD, KOMBANAD P.O., KUNNATHUNADU TALUK.

2. SOMASUNDARAM,
PUNNEDATHUKUDI VEEDU, ALATTUCHIRA P.O.,
KODANADU-683 544.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

1. P.P.POULOSE,
PALLACHERRY HOUSE, KURICHILAKODE, KODANAD.

2. JAISON VARGHESE,
PARAPPURAM HOUSE, MAVELIPPADY, KOOVAPPADY P.O.,
ERNAKULAM DISTRICT.

3. K.P.MOHANAN,
KUZHIYANVELI, OKKAL P.O., CHELAMATTOM.

4. THE SECRETARY,
MUDAKKUZHA GRAMA PANCHAYAT, MUDAKKUZHA.

5. THE DEPUTY CHIEF CONTROLLER OF
EXPLOSIVES, C-2, IIIRD FLOOR, KENDRIYA BHAVAN,
OPP. TO CESZ, KAKKANAD.

6. THE REVENUE DIVISIONAL OFFICER,
ERNAKULAM.

7. THE KERALA STATE POLLUTION CONTROL
BOARD, REGIONAL OFFICE, GANDHI NAGAR NORTH,
ERNAKULAM, REPRESENTED BY ITS REGIONAL OFFICER.

8. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI. M.K. CHANDRAMOHAN DAS, SC FOR DCB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC , J

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W.P.(C). NO. 33513 OF 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

The first prayer in this writ petition is to prohibit respondents 1 to 3 from conducting quarry operations. According to the petitioner, respondents 1 to 3, who are private individuals, are engaging in quarry operations without any licence and in violation of the guidelines. If so, the remedy of the petitioner is to approach the Civil Court seeking reliefs on the allegations mentioned above.

2. The other relief which is sought is that respondents 4 to 7 shall not renew the licence to respondents 1 to 3. Even according to the petitioner, an application for licence renewal is pending. If that be so, I see no justification to prevent respondents 4 to 7 from exercising their statutory power for considering the application for renewal on its merits.

3. The petitioner submits that licence will be renewed ignoring Ext.P4 circular. If Ext.P4 is relevant, I have no reason to now think that it will be ignored by the statutory authorities, and consider the application irrespective of the same.

The writ petition fails and the same is dismissed.

ANTONY DOMINIC, JUDGE.

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